

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

In re:

Shawn F. Henry
Jennifer R. Henry

Debtor(s)

**Wilmington Savings Fund Society, FSB,
as trustee of Stanwich Mortgage Loan
Trust I**

Movant,

VS

Shawn F. Henry
Jennifer R. Henry

KENNETH E. WEST

Respondents.

**MOTION OF WILMINGTON SAVINGS FUND SOCIETY, FSB, AS TRUSTEE OF
STANWICH MORTGAGE LOAN TRUST I FOR RELIEF FROM THE AUTOMATIC
STAY ON FIRST MORTGAGE FOR REAL PROPERTY LOCATED AT 39 RIDGE
ROAD, ASTON, PA 19014 WITH 30-DAY WAIVER**

Wilmington Savings Fund Society, FSB, as trustee of Stanwich Mortgage Loan Trust I ("Creditor"), by and through the undersigned counsel, moves the Court pursuant to 11 U.S.C. § 362(d) for an Order granting relief from the automatic stay on the real property located at 39 Ridge Road, Aston, PA 19014 ("Property"). In support of its motion, Creditor states the following:

1. Shawn F. Henry and Jennifer R. Henry (collectively, "Debtor") filed a petition for relief under Chapter 13 of the Bankruptcy Code on January 14, 2021 (the "Petition Date").
2. On September 27, 2013, Shawn F Henry executed a Note in the original amount of \$206,600.00 (the "Note"). A copy of the Note is attached hereto as Exhibit A.

3. To secure the Note, a Mortgage was given September 27, 2013 and recorded October 3, 2013. A copy of the Mortgage and subsequent Assignments of Mortgage are attached as Exhibit B, evidencing perfection of Creditor's security interest in the Property which is more particularly described in the Mortgage.
4. The terms of the Note were subsequently modified as set forth in the Loan Modification Agreement (Mortgage). A copy of which is attached as Exhibit C.
5. There are no other liens against the property as listed in Debtor's Schedule D.
6. As of January 1, 2022 the total outstanding amount due on the Note is \$233,062.90 which consists of:

| | |
|----------------|--------------|
| Principal | \$201,936.35 |
| Interest | \$17,501.12 |
| Escrow advance | \$9,916.23 |
| Late charges | \$1,112.83 |
| Fees | \$83.25 |
| Other Fees | \$2,513.12 |
| Suspense funds | \$(0.00) |

7. Creditor seeks relief from the automatic stay pursuant to 11 USC § 362(d) to proceed under applicable non-bankruptcy law to enforce its remedies to repossess and sell the Property.
8. Creditor is entitled to relief from the automatic stay for the following reason(s):
 - a. Creditor is not adequately protected per 11 USC § 362(d)(1) based upon Debtor's post-petition default.
 - b. Debtor is in default post-petition. Debtor has failed to make full post-petition payments for the past 6 months as of January 1, 2022 and is in default in the amount of \$8,868.74. This amount is broken down as follows:

| <u>Post-Petition Payments Delinquent to Creditor</u> | | |
|---|---------------|--------------|
| Date Range | Amount | Total |
| August 2021 to August 2021 | \$1,491.57 | \$1,491.57 |

| | | |
|--------------------------------|------------|------------|
| September 2021 to January 2022 | \$1,485.55 | \$7,427.75 |
| Suspense: \$(50.58) | | |
| Total: \$8,868.74 | | |

9. Creditor requests that the Court order that Rule 4001(a)(3) is not applicable.
10. Creditor further requests that further compliance with Fed.R.Bankr.P. 3002.1 be waived as to creditor in the instant bankruptcy case upon entry of an Order granting relief from the automatic stay.

WHEREFORE, Creditor prays for the entry of the attached Order Granting Relief from the Automatic Stay.

Respectfully submitted,

/s/ Alyk L. Oflazian

Alyk L. Oflazian, Esquire (312912)
Adam B. Hall (323867)
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Attorneys for Creditor
The case attorney for this file is Alyk L. Oflazian.
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**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

In re: :
: **Case No.: 21-10096**
Shawn F. Henry : **Chapter 13**
Jennifer R. Henry : **Judge Magdeline D. Coleman**
: * * * * *
Debtor(s) : *
:
Wilmington Savings Fund Society, FSB, : **Date and Time of Hearing**
as trustee of Stanwich Mortgage Loan : **Place of Hearing**
Trust I : **February 8, 2022 at 10:30 a.m.**
Movant, :
vs :
:
Shawn F. Henry :
Jennifer R. Henry :

KENNETH E. WEST
Respondents.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing Motion of Wilmington Savings Fund Society, FSB, as trustee of Stanwich Mortgage Loan Trust I for Relief from the Automatic Stay on First Mortgage for Real Property located at 39 Ridge Road, Aston, PA 19014 with 30-day waiver was served on the parties listed below via e-mail notification:

Office of U.S. Trustee, Party of Interest, (Registered address)@usdoj.gov

KENNETH E. WEST, Office of the Chapter 13 Standing Trustee, 1234 Market Street - Suite 1813, Philadelphia, PA 19107, ecfemails@ph13trustee.com

BRAD J. SADEK, Attorney for Shawn F. Henry and Jennifer R. Henry, Sadek and Cooper, 1315 Walnut Street, Suite 502, Philadelphia, PA 19107, brad@sadeklaw.com

The below listed parties were served via regular U.S. Mail, postage prepaid, on
January 3, 2022:

Shawn F. Henry and Jennifer R. Henry, 39 Ridge Road, Aston, PA 19014

DATE: 1/3/2022

/s/ Alyk L. Oflazian

Alyk L. Oflazian, Esquire (312912)

Adam B. Hall (323867)

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